REMARKS

Reconsideration of this application is respectfully requested in view of the foregoing amendment and the following remarks.

Claims 1-7, 9-11, 13, 14, 16-19, 21-34, 36-38, and 40-54 remain pending in this application. Independent claims 1 and 28 have been amended to further clarify a recursion feature of the present invention. No new matter has been entered. Support for the amendment can be found, for example, in the paragraph beginning at page 12, line 33.

For the reasons stated below, Applicants respectfully submit that all claims pending in this application are in condition for allowance.

Applicants' representative thanks Examiner El Chanti for the courtesies extended during the telephone call of August 17, 2005. The substance of the call is incorporated into the following remarks.

The claims of the present application stand rejected under 35 U.S.C. §102(e) as allegedly being anticipated by U.S. Patent 5,796,942 to Esbensen. To the extent this rejection might still be applied to the claims presently pending in this application, it is respectfully traversed.

The present invention is directed to a system and method for analyzing data traveling through a network. In accordance with the present invention, a data stream is collected and resolved into logical groupings, typically made up of a plurality of packets. These packets are then assembled into respective sessions to recreate, where possible, a complete session between two end points, i.e., two computers. It is upon these assembled sessions or "session objects" that a lexical engine operates to identify one or more network events. Significantly, and as noted

during the telephone call of August 17, 2005, the present invention provides that the lexical engine is operated "recursively." As explained in the paragraph beginning at page 12, line 33 of the present application

> Because network protocols may be nested, for example, a POP-3 session may contain one or more instances of RFC822 email sessions, application sensor 126 may be applied recursively to identify protocols within other protocols to extract nested or underlying objects encapsulated in one or more different protocols.

Recursion has a well-understood meaning in the computer programming art. Recursion is "the ability of a subroutine or program module to call itself. It is helpful for writing routines that solve problems by repeatedly processing the output of the same process." *The Computer Glossary, the Complete Illustrated Dictionary*, Eighth Edition, Freedman, A., Ed., AMACOM (1998). This is precisely the type of recursion that is contemplated by the present invention in order to "extract nested or underlying protocols."

As tentatively agreed by Examiner El Chanti, this recursion feature, now even more expressly recited in the independent claims 1 and 28, is neither disclosed nor suggested by Esbensen. Specifically, the final Office Action of April 18 relies heavily on col. 5, lines 15-55 of Esbensen as allegedly disclosing multiple features of the claimed invention, including the "recursive" features originally recited in dependent claims 20 and 47. This passage of Esbensen, however, in fact discloses nothing regarding a recursive application of a lexical engine by an event sensor, let alone one that is operable to extract nested or underlying objects encapsulated in one or more different protocols, as is now recited in the independent claims.

For at least these reasons, Applicants respectfully submit that the independent claims, as amended, along with the remaining dependent claims, are patentable over Esbensen. Reconsideration and withdrawal of the §102 rejection is accordingly urged.

Two other issues remain regarding this case: (1) the correspondence address for this application and (2) the Petition to change the order of inventors filed April 27, 2004.

As to (1), Applicants' representative urges the Patent Office to correct its records to reflect the correspondence address as requested in the Change of Attorney Address filed June 21, 2005. The failure of the Patent Office to make this change has delayed the prosecution of this application.

As to (2), Applicants respectfully request a notification that the Petition is granted or an opportunity to resubmit the Petition in the event it is denied.

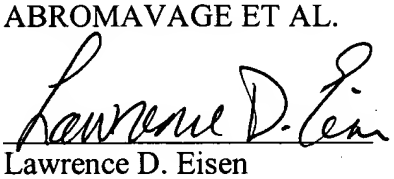
In view of the foregoing all of the claims in this case are believed to be in condition for allowance. Should the Examiner have any questions or determine that any further action is desirable to place this application in even better condition for issue, the Examiner is encouraged to telephone applicants' undersigned representative at the number listed below.

SHAW PITTMAN LLP
1650 Tysons Boulevard
McLean, VA 22102
Tel: 703/770-7900

Respectfully submitted,

ABROMAVAGE ET AL.

Date: August 18, 2005

By: 
Lawrence D. Eisen
Registration No. 41,009

Attachments: None

LDE/dkp

Customer No. 28970